

ENDORSEMENT

Duling et al. v. Gristede's Operating Corp., et al.
06 Civ. 10197 (LTS) (HBP)

Plaintiff's application to compel discovery the addresses and telephone numbers of women who worked for Gristede's between July 8, 2002 and the present is granted. Since Caridad v. Metro N. Commuter R.R., 191 F.3d 283, 292 (2d Cir. 1999) unmistakably teaches that anecdotal evidence can be relevant to the issue of class certification, the request is reasonably calculated to lead to the discovery of relevant evidence. Although my prior Order expressly excepted this contact information, that provision of the Order appears to have been contrary to Caridad and erroneous. See generally Henslee v. Union Planters Nat. Bank & Trust Co., 335 U.S. 595, 600 (1949) (Frankfurter, J., dissenting) ("Wisdom too often never comes, and so one ought not to reject it merely because it comes late.").

Defendants are directed to provide he contact information by February 8, 2008. Defendants are not being ordered to produce social security numbers because it appears from Mr. Nash's January 29, 2008 letter, that information has already been provided.

Dated: New York, New York
February 1, 2008

SO ORDERED

Henry Pitman
HENRY PITMAN
United States Magistrate Judge

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